



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
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DONALD L. WOLFE, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 14, 2006

IN REPLY PLEASE

REFER TO FILE: **MP-6**
23.041

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**THOMPSON CREEK - PARCELS 98 AND 103, ET AL.
GRANT OF EASEMENT - CITY OF POMONA
SUPERVISORIAL DISTRICT 1
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Act as a responsible agency pursuant to the California Environmental Quality Act (CEQA); consider the Finding of Exemption for this project, made by the City of Pomona on May 15, 2006; concur that the project is exempt from CEQA; and find that these actions reflect the independent judgment of the County.
2. Find the proposed grant of an easement for sanitary sewer line purposes within Thompson Creek, Parcels 98 and 103, from the Los Angeles County Flood Control District to the City of Pomona, and subsequent use of said easements will not interfere with the use of Thompson Creek for any District purposes.
3. Approve the grant of an easement for sanitary sewer line purposes to the City of Pomona within Thompson Creek, Parcels 98 and 103 (9,444± square feet), located south of Foothill Boulevard, along the east side of Thompson Creek, in the City of Pomona, in exchange for the City granting the County an easement for covered storm drain purposes for Fairplex Drain, Parcel 1DA.

4. Instruct the Chair to sign the enclosed Easement and authorize delivery to the Grantee.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This action will allow the District to grant an easement in Thompson Creek, Parcels 98 and 103, et al., to the City of Pomona for its sewer line replacement project. The City requested the easement in exchange for granting a covered storm drain easement to the District for its Fairplex Drain project.

The granting of this easement is not considered adverse to the District's purposes. The instrument also reserves paramount rights for the District's interest.

Implementation of Strategic Plan Goals

This action meets the County Strategic Plan Goal of Service Excellence since maintaining flood control facilities and appurtenances will enhance flood protection thus improving the quality of life within the County.

FISCAL IMPACT/FINANCING

None. In consideration of this action, the City of Pomona granted the District an easement for covered storm drain for its Fairplex Drain project.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The granting of this easement will not hinder the use of the channel for possible transportation, utility, or recreational corridors. The enclosed Easement document has been approved by County Counsel and will be recorded.

ENVIRONMENTAL DOCUMENTATION

CEQA requires public agency decision makers to document and consider the environmental implications of their actions. The City of Pomona is the lead agency for this project.

The subject parcel for sewer main replacement in the City of Pomona was found categorically exempt by the City Council on May 15, 2006. The recommended findings are in accordance with CEQA and are required prior to your Board's approval of this easement.

The Honorable Board of Supervisors
November 14, 2006
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IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

Enclosed are an original and duplicate of the Easement document. Please have the original and duplicate signed by the Chair and acknowledged by the Executive Officer of the Board. Please return the executed original to Public Works and retain the duplicate for your files.

One adopted copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

FLU:psr
P6:\BD LTR THOMPSON CRK

Enc.

cc: Auditor-Controller (Accounting Division - Asset Management)
Chief Administrative Office
County Counsel

DUPLICATE

RECORDING REQUESTED BY
AND MAIL TO:

City of Pomona
505 South Garey Avenue
Pomona, CA 91766-3320

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX
PURSUANT TO SECTION 11922 OF THE REVENUE & TAXATION CODE

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT
TO SECTION 27383 OF THE GOVERNMENT CODE

Space above this line reserved for Recorder's use

Assessor's Identification Number:
8370-009-905

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to the CITY OF POMONA, a municipal corporation (hereinafter referred to as CITY), an easement for sanitary sewer line purposes in, on, over, under, and across the real property in the City of Pomona, County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

The easement granted herein shall be subject to all matters of record and to the following reservation and conditions which CITY, by the acceptance of this Easement document and/or the exercise of any of the rights granted herein, agrees to keep and perform, viz:

1. DISTRICT reserves the paramount right to use said land for flood control purposes.
2. CITY agrees that it will not perform or arrange for the performance of any construction or reconstruction work in, on, over, under, and across the land herein described until the plans and specifications for such construction or reconstruction work shall have first been submitted and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval cannot be relied upon for any other purpose or by any third party for any reason whatsoever. DISTRICT does not accept ownership or responsibility for the improvements.

File with: **THOMPSON CREEK 98**
Affects Parcel 103
Also affects: 275-520 Parcels 1 and 2
23-RW 7.2
275-520-RW1
S.D. 1

M0223003

3. CITY agrees that it shall indemnify and save harmless DISTRICT, its officers, agents, and/or employees, from any and all liability, loss, or damage to which DISTRICT, its officers, agents, or employees may be subjected as the result of any act or omission by CITY, its officers, agents, or employees, arising out of the exercise by CITY, its officers, agents, or employees of any of the rights granted to it by this instrument. CITY further agrees that it will indemnify DISTRICT for any possible damage to the channel, or negative impacts to the water quality, arising from or connected with the sewer line.
4. It is expressly understood that DISTRICT will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement document.
5. The provisions and agreements contained in this Easement document shall be binding upon CITY, its successors, or assigns.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on structures and improvements being constructed under the authority of this easement and provided further that the assessment be levied following CITY's exercise of these easement rights to construct such structures and improvements, CITY agrees to pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT which is based on the value contributed to that area by CITY's said improvements.

Dated _____

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By _____
Chair, Board of Supervisors of the
Los Angeles County Flood Control District

(LACFCD-SEAL)

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring his/her signature.

The undersigned hereby certifies that on this ____ day of _____, 20____, the facsimile signature of _____, Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

(LACFCD-SEAL)

APPROVED as to form

RAYMOND G. FORTNER, JR.
County Counsel

By  _____

APPROVED as to title and execution,

_____, 20_____.

DEPARTMENT OF PUBLIC WORKS
Mapping & Property Management Division

Supervising Title Examiner

By _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant herein, dated _____, from the Los Angeles County Flood Control District, a body corporate and politic, to the City of Pomona, a municipal corporation, is hereby accepted pursuant to authority conferred by Resolution No. _____ of the City Council of the City of Pomona, adopted _____, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated _____

By _____

File with: THOMPSON CREEK 98

Affects: Parcel 103

Also affects: 275-520 Parcels 1 and 2

23-RW 7.2

275-520-RW 1

A.P.N. 8370-09-905 (portion)

T.G. 600(J2)

I.M. 144-357

First District

M0223003

LEGAL DESCRIPTION

(Grant of easement for sanitary sewer line purposes)

Those portions of Lots 25, 26, 27, O, Q, S, T and U, Tract No. 1585, as shown on map recorded in Book 21, pages 18 and 19, of Maps, in the office of the Recorder of the County of Los Angeles, and that portion of Williams Street (now known as Williams Avenue), 40 feet wide, as shown as said map, vacated by the Council of the City of Pomona Resolution No. 64-370, recorded on October 21, 1964, as Instrument No. 3748, in Book D2671, page 874, of Official Records, in the office of said recorder, within a strip of land 10 feet wide, lying 5 feet on each side of the following described center line:

Commencing at the intersection of the northerly line of said Lot O and a curve concentric with and 20 feet easterly, measured radially, from that certain 1000.00-foot radius curve in the easterly boundary of that strip of land described as Parcel No. 103, in a Final Judgment had in Superior Court Case No. 833646, a certified copy of which is recorded in Book D3278, page 890, of said Official Records, a radial of said curve to said intersection bears North 74°18'14" West, also a radial of said 1000.00-foot radius curve at its northerly terminus bears North 69°34'52" West for the purpose of this description; thence southerly along said concentric curve, through a central angle of 2°36'12", an arc distance of 44.53 feet to the TRUE POINT OF BEGINNING; thence northerly along said concentric curve, through a central angle of 7°19'34", an arc distance of 125.31 feet to a point in a radial that passes through said northerly terminus; thence tangent to said concentric curve North 20°25'08" East 672.42 feet to the beginning of a tangent curve concave to the east and having a radius of 160.00 feet; thence northerly along said last-mentioned curve, through a central angle of 28°59'17", an arc distance of 80.95 feet; thence tangent to said last-mentioned curve North 49°24'25" East 65.75 feet to the southerly line of Foothill Boulevard, 100 feet wide (formerly Meza Avenue), as shown on

EXHIBIT A

Parcel Map No. 17127, filed in Book 197, pages 23 and 24, of Parcel Maps, in the office of said recorder.

The side lines of the above-described 10-foot wide strip of land shall be prolonged or shortened at the end thereof so as to terminate in said southerly line.

Containing: 9,444± square feet

EXHIBIT A